RULES AND ORDERS UNDER ACT IX OF 1894.

PRISONS.

RULES FOR THE APPOINTMENT AND GUIDANCE OF VISITORS OF PRISONS, THE INTERROGATION OF PRISONERS, AND THE IDENTIFICATION OF OLD OFFENDERS.

Notn. No. 7684, Judicial, dated 14th November 1900, B. G. G., 1900, Pt. I, p. 2405.

In supersession of the Notifications cited in the margin, His Excellency the Governor in Council is pleased, subject to the control of His Excellency the Governor General in Council, to make the following rules under Section 60 (*r*) and (*t*) of the Prisons Act, 1894, for the appointment and guidance of Visitors of Prisons, the interrogation of prisoners and the identification of old offenders :—

No. 5751, dated the 7th August 1897.
No. 7908, dated the 29th October 1897.
No. 7716, dated the 21st November 1898.
No. 4949, dated the 18th July 1900.

Rules for the appointment and guidance of Visitors of Prisons.

Visitors to be either *ex officio* or specially appointed.

1. Visitors of Prisons shall be either
(*a*) *ex officio* or
(*b*) specially appointed (official and non-official).

Ex officio Visitors of Prisons.

2. The following officers, and such others as Government may from time to time appoint in this behalf, shall be *ex officio* Visitors :

(1) Of every prison within the respective areas under their official charge or within their jurisdiction, that is to say—

(*a*) whether in the City of Bombay or elsewhere—
(i) the Commissioner in Sind,
(ii) every Commissioner of a division,
(iii) the Assistant Commissioner in Sind,
(iv) the Surgeon-General,
(v) [a] The Principal Medical Officer in Sind, [a]
(vi) the Chief and Superintending Engineers in charge Public Works Department Divisons,
(vii) the Inspector-General of Police,
(viii) the Sanitary Commissioner,
(ix) every Divisional Deputy Sanitary Commissioner,
[c] (x) Deputy Inspectors-General of Police;

(*b*) elsewhere than in the City of Bombay, every—
(i) District Magistrate,
(ii) Sessions Judge,
(iii) Assistant Sessions Judge,
(iv) District Superintendent of Police,
(v) Executive Engineer,
(vi) Civil Surgeon when not Superintendent [b] or Medical Officer [b] of the Prison,
(vii) Sub-Divisional Magistrate,

[a—a] The words " The Principal Medical Officer in Sind " were substituted for the words "every Deputy Surgeon-General " by Govt. Notn. No. 215, Judicial, dated 9th January 1901, *B. G. G.*, 1901, Pt. I, p. 136.

[b—b] These words were inserted by Govt. Notn . No. 215, Judicial, dated 9th January 1901, *B. G. G.*, 1901, Pt. I, p. 136

[c] Deputy Inspectors-General were included in this List by Govt. Notn. No. 6477, Judicial, dated 11th December 1905, *B. G. G.*, 1905, Pt. I, p. 1672.

(viii) First Class Magistrate.
(ix) City Magistrate, and
(x) Huzur Deputy Collector, if a Magistrate;

(*c*) in the City of Bombay—
(i) the Municipal Commissioner,
(ii) every Presidency Magistrate,
(iii) the Collector of Bombay,
(iv) the Sheriff of Bombay, and
(v) the Commissioner and Deputy Commissioner of Police;

(2) Of every prison within their respective commands wherein native military prisoners sentenced to imprisonment for purely military offences by Courts-martial are confined—

(*a*) the General Commanding the District,

(*b*) the Officer Commanding the Station;

(3) Of the Prison at Aden—
(i) the Political Resident,
(ii) every Assistant Political Resident,
(iii) the Port Surgeon,
(iv) every Officer Commanding a European or Native Regiment at Aden.

Appointments of non-official Visitors of Prisons and reservation by Government of powers.

[a] 3. The appointments of non-official Visitors shall be made (*a*) in Sind by the Commissioner in Sind and (*b*) elsewhere in the Presidency of Bombay by the Commissioner of the Division in which the prison is situate, provided that—

(1) no such appointment shall ordinarily be made for a longer period than five years at a time; and

(2) nothing in these rules shall affect the power of Government from time to time to appoint, re-appoint or revoke the appointment of any person, official or non-official, as a Visitor of any Prison.

Weekly visits.

4. Once in every week—

(*a*) in the City of Bombay—
the Chief Presidency Magistrate, or a Presidency Magistrate, appointed by him in this behalf, and

(*b*) elsewhere
the District Magistrate, or a Magistrate subordinate to him and appointed by him in this behalf,

shall visit every prison, of which they are respectively Visitors and shall perform the duties of inspection laid down in Rule 6.

Quarterly visits by *ex officio* Visitors.

5. (1) Once in every quarter not less than two *ex officio* Visitors, of which one, unless prevented by sickness or other unavoidable cause, shall be—

(*a*) in the City of Bombay—
the Chief Presidency Magistrate, and

(*b*) elsewhere
the Magistrate of the District,

[a] This rule was substituted for the original No. 3 by Govt. Notn. No. 6234, Judicial, dated 16th November 1907, *B. G. G.*, 1907, Pt. I, p. 1901.

shall in Committee visit each prison of which they are *ex officio* Visitors, and together with any other Visitors that may be present perform the duties of inspection laid down in Rule 6.

Attendance thereat of Jailor and, on requisition, of Superintendent and Medical Officer.

(2) At every such quarterly visit the Jailor and, if so required by notice from the Chief Presidency or District Magistrate, the Superintendent or the Medical Officer or both shall attend.

Duties of *ex officio* and official Visitors. Visitors' Book.

6. At every visit required by these rules the Visitors present shall—

(*a*) inspect the barracks, cells, wards, work-sheds and other buildings of the prison, generally;

(*b*) ascertain—

(i) whether considerations of health, cleanliness and security are attended to,

(ii) whether proper management and discipline are maintained in every respect, and

(iii) whether any person is illegally detained or is detained for an undue length of time while awaiting trial;

(*c*) examine—

(i) the register of convicted and under-trial prisoners,

(ii) the punishment book,

(iii) other prison registers, and

(iv) the accounts of the prison;

(*d*) hear and attend to all representations and petitions made by or on behalf of prisoners;

(*e*) direct, if deemed advisable, that any such representations or petitions be forwarded to Government; and

(*f*) enter in a book which shall be kept in every prison and shall be called "the Visitors' Book"

(i) the date and hour of their visit, and

(ii) any remarks as to the result of their inspection which they may deem worthy of record.

Duties of specially appointed non-official Visitors.

7. The duties of specially appointed non-official Visitors are limited to an inspection of the general management of the prison and of the Punishment Book and to hearing complaints from the prisoners. It is optional with a non-official Visitor to attend quarterly meetings and to enter any remarks he may desire to make in connection with his visit in the Visitors' Book.

8. (1) In the event of any grave irregularity or of any very important matter requiring immediate attention being brought to notice by any Visitor, a copy of his remarks relating thereto recorded in the Visitors' Book shall be forwarded at once to the Inspector-General of Prisons by the Superintendent.

(2) A copy of every other entry made in the Visitors' Book, whether at a quarterly or other visit, and whether by an *ex officio* or by a specially appointed Visitor (official or non-official), shall, on the Saturday morning next following the date of such entry, be forwarded by the Superintendent of the Prison to the Inspector-General of Prisons with any remarks which the Superintendent may desire to offer in explanation or otherwise.

List of Visitors.

9. A list of *ex officio* and specially appointed Visitors, both official and non-official, shall be posted up in a conspicuous position in the immediate neighbourhood of the main gate of the prison.

Visitors not to enter prison without escort.

10. (1) No Visitor of a prison, whether *ex officio* or specially appointed, official or non-official, shall enter the prison unless and until an escort has been provided by the gate-keeper.

(2) Such escort shall consist (at the discretion of the Superintendent) of one or more warders, each armed with the baton provided for his use, and shall accompany the Visitor throughout his inspection.

Visit when prohibited. Atandance of certain Prison officers during visits.

11. Except for special reasons, which shall be recorded in the Visitors' Book, no Visitor shall—

(*a*) inspect any prison—

(i) on Sundays, or

(ii) between the hours of 6 P.M. and 6 A.M., or

(*b*) on any occasion other than that of a Quarterly Committee meeting require the attendance of the Superintendant, Jailor or Deputy Jailor.

Rule for the interrogation of prisoners.

12. (1) [a] The Inspector-General of Police, the Deputy Inspectors-General of Police, the Commissioner of Police (in the City of Bombay) and District Magistrates (elsewhere than in the City of Bombay) [a] may by letter addressed to the Superintendent or Jailor authorize any Police officer therein specified (who, except for special reasons which shall be stated therein, shall not be below the rank of an Inspector in the City of Bombay or of a Chief Constable elsewhere) to interrogate any prisoner, and the officer so specified shall thereupon be permitted to interrogate such prisoner in the presence but not within the hearing of the Jailor or some other Prison officer approved by him.

(2) Except as in this rule provided, no Police officer shall, except in the capacity of an *ex officio* Visitor, interrogate any prisoner.

NOTE.—The authority conferred by the above rule on Police officers to interrogate prisoners in Jails is also given to the officers of the Special Opium Detective Agency, Thagi and Dakaiti Department, and of the New Opium Preventive Service, Bombay, provided that they are on each occasion nominated in a letter addressed to the Superintendent or Jailor by the Extra Assistant to the General Superintendent, Thagi and Dakaiti Department, or by the Superintendent of the New Opium Preventive Service, Bombay, as the case may be, and provided that they shall not, except for special reasons which shall be stated in the letter, be below the rank of an Inspector.

Rule for the identification of old offenders.

13. To afford the Police the opportunity of recognizing old offenders, the Superintendent shall permit a Police officer deputed in the City of Bombay

[a—a] These words were substituted for the original words by Govt. Notn. No. 6477, Judicial, dated 11th December 1905, *B. G. G.*, 1905, Pt. I, p. 1672.

by the Commissioner of Police, or elsewhere by the District Superintendent of Police, on a day preceding the weekly parade of prisoners, to have access in the prison office, to the admission register and release diary. From these the Police officer will prepare lists of prisoners admitted during the preceding week, of prisoners who will be discharged in the following week, and of any unidentified prisoners still under Police enquiry, whom the Police may have to inspect on parade. The prisoners found in these lists shall be paraded at the weekly parade separately from others, and the Police, not exceeding twenty in number, selected by the Commissioner of Police or the District Superintendent of Police, shall be permitted to inspect all those prisoners under the conduct of the Jailor, Deputy Jailor, or a European warder. They shall not be permitted to hold any communication with a prisoner except such as is necessary for the purpose of identification. The Superintendent shall inform the Commissioner of Police or the District Superintendent of Police, as the case may be, on what day the weekly parade of prisoners will be held and at what hour the Police officer can have access to the Prison office. Only prisoners convicted under Chapters XII and XVII of the Indian Penal Code of offences punishable with three years or attempts at the same under Sections 328, 363 to 369, persons bound down under Sections 109 and 110 of the Criminal Procedure Code, and under-trial prisoners, need be paraded for the inspection of the Police. Female prisoners shall not be paraded for the inspection of the Police.

Rule regarding visits by persons other than Prison officers or Visitors appointed by or under the above rules.

14. Save as hereinbefore provided, no person other than a Prison officer or a Visitor appointed by or under these rules, and visiting a prison for the purposes thereof, shall be allowed to enter a prison unless

(*a*) provided with a written permission from the Inspector-General of Prisons or the Superintendent of the Prison, or (*b*) accompanied by the Jailor or the Deputy Jailor and with the sanction of the Superintendent.

APPOINTING THE JUDICIAL COMMISSIONER IN SIND TO BE AN *ex officio* VISITOR OF PRISIONS WITHIN HIS JURISDICTION.

Notn. No. 5166, Judicial, dated 8th August 1901, B. G. G., 1901, Pt. I, p. 1449.

Under the provisions of Rule 2 (1) (*a*) of the Rules framed under Section 60 (*r*) and (*t*) of the Prisons Act, 1894, His Excellency the Governor in Council is pleased to appoint the Judicial Commissioner in Sind to be an *ex officio* Visitor of every Prison within the area under his official charge or within his jurisdiction.

APPOINTING CERTAIN OFFICIALS AND NON-OFFICIALS TO BE VISITORS OF THE YERAVDA CENTRAL PRISON.

Notn. No. 8024, Judicial, dated 27th November 1900, B. G. G., 1900, Pt. I, p. 2409.

Under the provisions of Rule 3 of the Rules framed under Section 60 (*r*) and (*t*) of the Prisons Act, 1894, for the appointment and guidance of

Visitors of Prisons, the interrogation of prisoners and the identification of old offenders, His Excellency the Governor in Council is pleased to appoint the following officials and non-officials to be Visitors of the Yerávda Central Prison :—

Officials.

(1) The Second Assistant Collector who ordinarily holds charge of all the four Eastern Tálukas of the Poona District.

(2) The City Magistrate, Poona.

(3) The Cantonment Magistrate, Poona.

Non-officials.

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APPOINTMENT OF CERTAIN OFFICIALS AND NON-OFFICIALS TO BE VISITORS OF THE SA'TA'RA SUBSIDIARY JAIL.

Notn. No. 2383, Judicial, dated 11th April 1901, B. G. G., 1901, Pt. I, p. 711.

Under the provisions of Rule 3 of the rules framed under Section 60 (*r*) and (*t*) of the Prisons Act, 1894, for the appointment and guidance of Visitors of Prisons, the interrogation of prisoners and the identification of old offenders, His Excellency the Governor in Council is pleased to appoint the following official and non-officials to be Visitors of the Sátára Subsidiary Jail :—

Official.

The Mámlatdár and Magistrate of Sátára for the time being.

Non-officials.

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RULES AND ORDERS UNDER ACT II OF 1896.

COTTON DUTIES.

PLACING ALL THE MILLS IN CERTAIN DISTRICTS OF THE BOMBAY PRESIDENCY UNDER THE CONTROL OF THE COLLECTOR OF BOMBAY FOR THE PURPOSES OF THE ACT.

Notn. No. 5212A, Revenue, dated 29th May 1906, B. G. G., 1906, Pt. I, p. 649.

In exercise of the power conferred by clause (*b*) of sub-section (*3*) of Section 3 of the Cotton Duties Act, 1896 (II of 1896), and in supersession of

* This portion relating to the appointment, by name, of certain persons as non-official Visitors, is omitted.